

## REMARKS

Claims 1-60 were pending in the application. Upon entry of this Response, claims 1 and 5 will be amended, claims 18-48 and 61-64 will be canceled, and claims 65-66 will be added. Thus, claims 1-17 and 65-66 will be pending. Applicants reserve the right to pursue the subject matter of the originally filed claims in this application and/or in related applications. No new matter is believed to be added by this Response, and Applicants respectfully submit that the amendments place the application either in condition for allowance or in better form for appeal.

### Claims 1-17

Claims 1-17 stand rejected under 35 USC § 103 as being obvious over US 2002/0027511 A1 ("Horita et al.") in view of US 6,470,267 B1 ("Nozaki").

As amended, claim 1 recites that a "controller located at a location" determines vehicle control information "associated with the location and with an operator of a vehicle." For example, a controller located at an intersection might determine that a driver with a poor driving history will not be allowed to make a right turn when a traffic light at the intersection is red (*e.g.*, as described in the specification at page 15, lines 10-22). The vehicle control information is then transmitted to a vehicle device which arranges for an indication to be provided to the operator (*e.g.*, a symbol might be displayed on an automobile's windshield).

Horita et al. is directed to broadcast system that transmits traffic information to automobiles via satellites. Nozaki discloses a system that transmits advertisements to automobiles through the Internet based on information about drivers and the routes they are driving. Thus, neither reference discloses or suggests that information transmitted to an automobile is associated with the location of the transmitting (or determining) device. Nor, obviously, would such a feature make any sense in these systems (because the location of the transmitting devices has no relation to what should be displayed to a driver).

In addition, Applicants respectfully suggest that there is no motivation to combine the teachings of these references as proposed in the Office Action. Horita et al. does not suggest that information transmitted to an automobile is associated with the operator of the vehicle. According to the Office Action, it would have been obvious to modify the system of Horita et al.

"in order to provide the improved navigation system which obtains only the information associated with the driver."

The simple fact that a combination of elements has a beneficial result does not make the combination unpatentable. Instead, "[t]hat an inventor has probed the strengths and weaknesses of the prior art and discovered an improvement that escaped those who came before is indicative of unobviousness, not obviousness." *Fromson v. Anitec Printing Plates, Inc.*, 45 USPQ2d 1269, 1276 (Fed. Cir. 1997), cert. denied, 119 S. Ct. 56 (1998).

In the present case, the Applicants have probed the weaknesses of the prior art, including the fact that it may be appropriate to provide different vehicle control information to different operators. These weaknesses of the prior art are described in detail, for example, in the specification at page 2, lines 9-16. Of course, this disclosure cannot be used as a blueprint to create the very combination of features that were invented by the Applicants. Instead, "by defining the inventor's problem in terms of its solution, the [Office Action] missed [the] necessary antecedent question, namely, whether the prior art contains a suggestion or motivation to combine references." *Monarch Knitting Machinery Corp. v. Sulzer Morat GmbH*, 45 USPQ2d 1977, 1981-82 (Fed. Cir. 1998). "[T]he suggestion to combine requirement is a safeguard against the use of hindsight combinations to negate patentability." *In re Rouffet*, 47 USPQ2d 1453 (Fed. Cir. 1998). The absence of motivation in the prior art references indicates that the Office Action has simply recognized a benefit provided by the present invention, and then used that benefit as a motivation to combine the references – the essence of impermissible hindsight reconstruction.

Thus, Applicants respectfully request allowance of claim 1 along with claims 2-17 and 65-66 that depend from claim 1.

#### Claim 12

Applicants also respectfully submit that none of the references remotely disclose or suggest "transmitting the vehicle control information to another vehicle device" as recited in claim 12. For example, a controller might determine that a first automobile cannot make a right

turn while a traffic light is red because the driver is 17 years old - and then transmit that fact about the first automobile to a second automobile (e.g., as described in the specification at page 15, lines 23 to 26). The fact Horita et al. broadcasts traffic information to automobiles does not suggest such a feature. This is an additional reason why claim 12 is allowable.

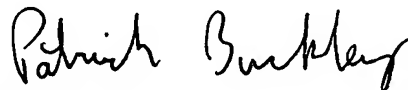
Claims 65 and 66

Newly added claim 65 recites "transmitting operator information from the vehicle device to the controller" (e.g., when a car pulls up to an intersection). The vehicle control information is then "determined at the controller based on the operator information." Support for this may be found, for example, in the specification at page 13, lines 4-6. None of the references suggest such a feature.

Similarly, newly added claim 66 recites that "the vehicle control information transmitted from the controller to the vehicle device includes a plurality of potential indications." Moreover, the vehicle devices selects the appropriate indication to be provided to the operator based on the operator of the vehicle. Support for this may be found, for example, in the specification at page 10, lines 20-25. None of the references suggest such a feature.

If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-0191.

Respectfully submitted,



January 16, 2004  
Date

---

Patrick J. Buckley  
Registration No. 40,928  
Buckley, Maschoff, Talwalkar & Allison LLC  
Five Elm Street  
New Canaan, CT 06840